

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

382A0140

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

SB209 - 3/3/97

Introduced by: Senators Aker, Everist, Lawler, Morford-Burg, and Munson (David) and
Representatives Matthews, Barker, Cutler, and Jorgensen

1 FOR AN ACT ENTITLED, An Act to specify certain circumstances that create a rebuttable
2 presumption that awarding custody or granting visitation rights is not in the best interests of
3 a child.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. In awarding custody involving a minor, the court shall consider a conviction of
6 domestic abuse as defined in § 25-10-1(1) or a conviction of assault against a person as defined
7 in § 25-10-1(2), except against any person related by consanguinity, but not living in the same
8 household. The conviction creates a rebuttable presumption that awarding custody to the abusive
9 parent is not in the best interests of the minor.

10 Section 2. In awarding custody or granting rights of visitation involving a minor, the court
11 shall consider a conviction, excluding vehicular homicide, of a parent for the death of the other
12 parent. A conviction for the death of the other parent creates a rebuttable presumption that
13 awarding custody or granting visitation to the convicted parent is not in the best interests of the
14 minor.

1 **BILL HISTORY**

2 1/29/97 First read in Senate and referred to Judiciary. S.J. 219

3 2/10/97 Scheduled for Committee hearing on this date.

4 2/12/97 Scheduled for Committee hearing on this date.

5 2/12/97 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0.

6 2/13/97 Motion to Amend, Passed. S.J. 435

7 2/13/97 Senate Do Pass Amended, Passed, AYES 33, NAYS 1. S.J. 435

8 2/14/97 First read in House and referred to Judiciary. H.J. 500

9 2/28/97 Scheduled for Committee hearing on this date.

10 2/28/97 Judiciary Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 771